

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CALVIN HYDER,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-10-118
	§	
BOARD OF PARDONS & PAROLES, <i>et</i>	§	
<i>al</i> ,	§	
	§	
Respondents.		

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION


On February 15, 2011, United States Magistrate Judge B. Janice Ellington signed a Memorandum and Recommendation recommending that petitioner's motion for relief pursuant to Fed. R. Civ. P. 60(b) (D.E. 33) be denied; that his cause of action be dismissed without prejudice as second or successive, to the extent petitioner asks the Court to address the merits of his claims; and that petitioner be denied a certificate of appealability. Petitioner did not file objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file, see Koetting v. Thompson, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that: (1) petitioner's motion for relief pursuant to Fed. R. Civ. P. 60(b) is denied; (2) petitioner's habeas corpus application is dismissed without prejudice as second or successive; and (3) petitioner be denied a certificate of appealability.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 28th day of April, 2011.



Janis Graham Jack
United States District Judge